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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PAULINE HORVATH,
Plaintiff,
v.
DONALD C. WINTER, Secretary of the
Navy,
Defendant.

Case No. C 07-04952 JSW

**DECLARATION OF MICHAEL T.
PYLE IN SUPPORT OF DEFENDANT
DONALD C. WINTER'S MOTION TO
DISMISS FOR LACK OF SUBJECT
MATTER JURISDICTION**

Date: February 15, 2008
Time: 9:00 a.m.
Courtroom 2, 17th Floor
Hon. Jeffrey S. White

I, Michael T. Pyle, declare:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Northern District of California, am licensed to practice law in California and to appear before this Court, and am counsel for Defendant Donald C. Winter, making this declaration from my own personal knowledge. If called as a witness, I could and would

competently testify to the contents of this declaration.

2. Attached hereto as **Exhibit 1** is a true and correct copy of a court order issued by United States District Judge Marilyn Patel on March 26, 1999 in Actions 98-4562 MHP and 98-4604 MHP.
3. Attached hereto as **Exhibit 2** is a true and correct copy of a five page "Complaint for Promotion" dated July 23, 1998 from plaintiff Pauline C. Horvath.
4. Attached hereto as **Exhibit 3** is a true and correct copy of a decision by the Office of Federal Operations of the U.S. Equal Employment Opportunity Commission dated April 16, 2007 regarding plaintiff Pauline C. Horvath.
5. Attached hereto as **Exhibit 4** is a true and correct copy of a decision by the Office of Federal Operations of the U.S. Equal Employment Opportunity Commission dated June 21, 2007 regarding plaintiff Pauline C. Horvath

I declare under penalty of perjury that the foregoing is true and accurate and that I have executed this declaration on December 26, 2007 in San Francisco, California.

/s/
MICHAEL T. PYLE
Assistant United States Attorney